

**Application No. UP-679-05, Tracey A. Smith:** Request for a two-element Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) and Section 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 & 36A-1-23A. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for General Business development.

**Mr. Earl Anderson**, Planner, presented a summary of the report to the Commission dated October 4, 2005 in which the staff recommended denial of the proposed kennel and approval of the proposed home occupation, which could be accomplished by adoption of proposed Resolution PC05-36. Conversely, should the Commission want to recommend approval of both elements of the application, he referred them to proposed Resolution PC05-39.

**Mr. Anderson** advised that several letters and telephone calls were received from neighbors and other interested parties, and all were supportive of the kennel and the home occupation, except one neighbor who opposed a kennel but did not oppose the home occupation.

There were no questions or discussion, and **Chair Ptasznik** opened the public hearing.

**Ms. Tracey A. Smith**, 106 Rich Road, spoke in behalf of her application. (The text of Ms. Smith's remarks is attached to the Minutes.)

**Ms. Smith** stated that she is seeking to provide a home pet grooming service and would work by appointment on days and hours as set out in the proposed conditions. She proposed limiting visits to a single dog or only one family of pets at a time, each pet taking approximately two hours to groom. Dogs from the same family, other than the dog being groomed, would be crated in the grooming area of her home until all are done.

**Ms. Smith** said the kennel element of her application would apply to her own dogs, which she breeds and exhibits in American Kennel Club-sanctioned dog shows approximately two times per month. She is a member of several dog clubs, each of which has its own strict code of conduct. She exceeds the standards of ethics set out by the clubs in every way possible, she stated. All standard health testing is completed before any dog is bred. The dogs are "members of the family" but sleep overnight in crates and also stay in their crates when Ms. Smith is at work or away from home. A regimented daily schedule is maintained for the dogs and someone supervises them at all times when they are outdoors. Her dogs are trained at a young age to obey a no-bark command and are not allowed to stand outside and bark. Their inoculations, flea, and heartworm preventatives are kept up to date and Ms. Smith maintains all of their veterinary and breeding records. They are microchipped to ensure identification. Waste is picked up and disposed of daily and she practices sanitation and odor-control on the premises.

**Ms. Smith** stated that she breeds and shows only Chinese Crested and Miniature Pinscher breeds, which when fully grown weigh seven to 10 pounds each. The total weight of all of her dogs is less than 100 pounds.

**Mr. Staton** asked if the proposal to keep the dogs in a run while they are outdoors is an acceptable condition. **Ms. Smith** said it was not ideal but she did not oppose it.

**Mr. Barba** asked how many dogs Ms. Smith expects to keep at one time. **Ms. Smith** replied she would not own more than 12 dogs at a time.

**Ms. Conner** asked if the dogs could be allowed to roam within the fenced yard. **Mr. Anderson** pointed out that a condition of the proposed Special Use Permit is to maintain the dogs in a dog run when they are outdoors. The run is specified to be at least 50 feet from the property line, which would require fencing of the run within the yard.

**Mr. Hamilton** asked if her proposed business would compete with an existing kennel on Route 17. **Ms. Smith** said she would not be in competition with existing animal boarding facilities. She does not propose to board dogs other than her own and she offers custom grooming services, averaging two hours to groom a dog. She proposes to offer services to owners whose dogs need specialized grooming, can wait with their dogs, and pay a higher price for her services. She said she could groom no more than four or five dogs in a day.

**Mr. Ptasznik** asked if a client might ask her to board a dog after grooming. **She** said that may be the case, but the animals would be picked up the same day they were groomed, and crated until their owners came to pick them up. The grooming area would be separate from her own dogs' kennel area and at no time would her dogs and dogs on the premises for grooming come in contact with each other, nor would dogs from different families come in contact with each other.

**Mr. Ptasznik** asked if she anticipated grooming various breeds of dogs. **Ms. Smith** said there may be different breeds, but all would be small dogs because she does not have the facilities or physical stamina needed for grooming large dogs.

**Mr. Ptasznik** said he thinks the application indicates a need for an outside run for dogs whose owners leave them for grooming and will pick them up later.

**Chair Ptasznik** opened the public hearing.

**Mr. Pat McMahon**, 105 Rich Road, spoke in favor of the application. He said he lives directly across the street from the applicant. He does not hear any barking from Ms. Smith's dogs but does hear barking from a boarding kennel across Route 17. Mr. McMahon said Ms. Smith's dogs are small and quiet, she tends to them and keeps her yard clean and odor-free.

**Ms. Marcia Gaulin**, 104 Rich Road, had no problem with approving both elements of the application. The applicant's dogs are no bother to her, and she also said she could hear barking from a commercial kennel on Route 17, but not Ms. Smith's animals. She said there are days she

neither sees nor hears any of Ms. Smith's dogs. She requested the application be approved for both the kennel and the home occupation.

Hearing no others, **Chair Ptasznik** closed the public hearing.

**Mr. Barba** said it is obvious that Ms. Smith knows what she is doing and is fond of dogs. He said his concern was whether a kennel would be an appropriate use of the property within a single-family neighborhood and whether other kennels might follow. **Mr. Barba** supported the home occupation but not the kennel.

**Ms. Conner** noted that her father had been a professional dog breeder and trainer of Chesapeake Bay Retrievers and operated from his home in an established residential area. She observed that well-trained dogs, when properly controlled, have a minimal impact on a neighborhood. Because Ms. Smith's dogs are very small, Ms. Conner believed their impact would be minimal and she would support approving both the kennel and the grooming as a home occupation.

**Mr. Hamilton** also lives near the commercial kennel on Route 17 and said the he hears dogs from that kennel at various times of the day. He said his problem is with the Zoning Ordinance, which states that a Special Use Permit is required to keep more than five dogs. The location is a confined area, which troubled him. He was also troubled that there needs to be a run and the applicant is really not in favor of a run. **Mr. Hamilton** said, based strictly on land use and ordinances, he could support the request for grooming as a home occupation but not the request for a private kennel.

**Mr. Staton** agreed with Mr. Hamilton.

**Mr. Ptasznik** said he had no problem with the home occupation. He was concerned about having up to five dogs on the premises for grooming at the same time as the owner's 10 to 12 dogs, even though her dogs may be small, well-trained and debarked. He anticipated dogs being dropped off to be groomed while their owners were at work -- which, he believed, was typical. He anticipated that the applicant may need to use the run or kennel for those dogs some parts of the day. **Mr. Ptasznik** questioned the applicant's ability to care for that number of dogs on a day-to-day basis and whether they might create a nuisance in the neighborhood. **Mr. Ptasznik** called for a motion.

**Mr. Barba** moved to adopt proposed Resolution PC05-36.

Resolution No. PC05-36

On motion of **Mr. Barba**, which carried 4:1 (Abel and Davis absent, Connor dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND DENIAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A PRIVATE KENNEL AND APPROVAL OF THE HOME  
OCCUPATION FOR A PET GROOMING SALON AT 106 RICH ROAD.

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of

the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, that it does hereby transmit Application No. UP-679-05 to the York County Board of Supervisors with a recommendation of denial to authorize a private kennel and a recommendation of approval to authorize as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall only authorize the establishment of a pet grooming salon as a home occupation within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The conduct of the home occupation shall be limited to approximately 450 square feet, which is shown on the house survey sketch plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to no more than five days per week from 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
8. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the

applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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